

Appl. No.: 10/510,924
Amdt. dated June 20, 2006
Reply to Office Action of March 23, 2006

REMARKS/ARGUMENTS

Claims 1-49 have been canceled without prejudice as being drawn to a non-elected invention; Applicant hereby confirms the election of Claims 50-67 for prosecution. Claim 57 has been canceled without prejudice as being substantially the same as Claim 65. New Claims 68 and 69 have been added.

No prior-art rejections have been made at this time. However, various objections and rejections have been made. With respect to the drawings, the Examiner asserts the current figures do not adequately depict the laminate materials of Claims 50-67, and has advised Applicant to submit a new drawing.

Claims 50-67 have been rejected as failing to comply with the enablement requirement because the Examiner alleges the claimed structure is not explained clearly enough in the specification to enable one of skill to make and use the invention.

Finally, Claims 50-67 have been rejected as indefinite because the Examiner alleges the structure of the claimed invention is indefinite and not supported by adequate drawings.

Response to Drawing Objection

Applicant respectfully disagrees that the drawings are inadequate. Regarding the net or mesh material of Claim 50, Figure 3 shows an apparatus for making the material **110** and shows the resulting material **110** clearly enough to be readily understood by persons skilled in the art. The longitudinally disposed and laterally spaced webs are clearly shown (see, e.g., webs **80** to **82**) coming from rolls **70**, **71**, **72**, **73**, **74**, and **75**. These longitudinally disposed webs pass over roller bars **76** and then downwardly therefrom in the longitudinal direction. To create the “at least one spirally wound web”, rolls **95**, **96**, **97**, **98**, **99**, and **100** are provided to orbit around (on guide tracks **58**, **59**) the longitudinal downwardly moving webs from rolls **70-75**. Figure 3 represents a preferred embodiment in which for speed of operation multiple rolls **95-100** are used; however, it is equally possible to use only a single orbiting roll to create the at least one

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spirally wound web, generally identified by reference numeral **111** in Figure 3. As explained in the specification at page 9, lines 15-19, the spirally wound webs **111** are vertically (i.e., longitudinally) spaced from one another and, together with the longitudinally disposed webs, form a tube of mesh material.

With respect to the liner of Claims 52 and 57, Figure 2 shows a material having overlapping spirals **67** of plastic film webs coming from rolls **65, 66**, and also shows the longitudinal webs of Claims 54-56 and 58 (see the webs coming from rolls **71, 72, 73, 74, 75, 76**).

Regarding Claim 59, Figures 2 and 3 show at least one first flexible plastic material film web (e.g., web **80**) extending in a first (longitudinal) direction and at least one second flexible plastic material film web (**67** in Figure 2; **111** in Figure 3) spirally wound in a plurality of windings transversely crossing the at least one first flexible plastic material film web.

Thus, the materials as claimed are clearly shown in the drawings. Applicant respectfully submits no new drawing should be required, since the drawings already show the claimed materials.

Response to Rejections Under 35 U.S.C. 112, First Paragraph

In light of the above remarks, Applicant further believes it should be clear that the specification enables the practice of the claimed invention. Figures 2 and 3 and their accompanying description in the specification describe two different apparatuses for making the claimed material, as well as the operation of the apparatuses, and the materials made by the apparatuses are clearly shown in the figures. Applicant submits the apparatus provides sufficient details to enable a person of ordinary skill in the art to make and use the claimed invention.

Accordingly, Applicant respectfully requests that the rejections under 35 U.S.C. 112, first paragraph, be withdrawn.

Response to Rejections Under 35 U.S.C. 112, Second Paragraph

The foregoing remarks should also make clear that the claims are not indefinite, although they may be broad. However, breadth is not to be equated with indefiniteness (see MPEP 2173.04).

Contrary to the Office Action, the spatial relationship of the layers in Claim 50 is not unclear. When the claim is read in light of the specification (e.g., Figures 2 and 3 and their associated description as already summarized above), a person of ordinary skill in the art would be able to comprehend the scope of what is being claimed with reasonable certainty. Claim 59, which is similar to Claim 50, is also sufficiently clear. Claim 60 depends from Claim 59, and adds that there are a plurality of the first film webs; Claim 61 adds that there are a plurality of the second film webs; there is no ambiguity in these recitations.

Regarding Claim 52, the spatial relationship of the overlapping layers of the at least one plastic film web is clearly recited. The layers are spirally wound in overlapping layers. This is described in connection with Figure 2 (see overlapping layers **67**). There is no ambiguity.

Claim 55 includes a plurality of webs extending in a longitudinal direction transverse to the spirally wound overlapping layers (see Claim 54 from which Claim 55 depends), wherein a plurality of the webs extending in the longitudinal direction are spaced from one another. This has already been described above in connection with Figure 3. In light of the specification, this claim would be clearly understandable to a person of ordinary skill in the art.

As for what materials comprise the plastic film webs, the claims need not recite the specific material. The claims may be broad in this respect, but they are not indefinite (MPEP 2173.04).

Likewise, with respect to Claim 57, the claims may be broad in terms of what method is used for longitudinally cutting the tubular structure to form a flat sheet, or what material is used for adhering the layers together, but they are not indefinite. As for the “tubular structure” of

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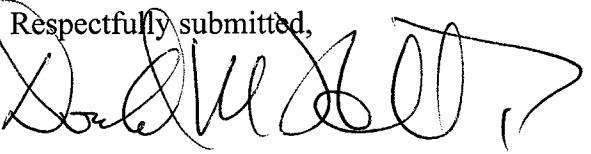
Claim 57, the claim clearly indicates that the tubular structure comprises the overlapping spiral layers adhered to one another (see “the thus formed tubular structure”). At any rate, Claim 57 has been canceled without prejudice, since it is substantially the same as Claim 65.

Based on the above remarks, it is respectfully submitted that the rejections under 35 U.S.C. 112, second paragraph, are improper and should be withdrawn.

Conclusion

In light of the foregoing remarks, Applicant respectfully submits that the objections and rejections are erroneous and should be withdrawn, and that the application is in condition for allowance.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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